

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
Ray Marshall PETER J. BRENNAN, Secretary of Labor, United States Department of Labor, v. AGRICO CHEMICAL COMPANY, a corporation,		For plaintiff: Carin Ann Clauss, Solicitor of Labor Ronald M. Gaswirth, Regional Solicitor Heriberto de Leon, Atty. U.S. Dept. of Labor <del>Rm. 7C52 - Fed. Bldg. &amp; U.S. Courthouse</del> Dallas, Texas 75202 555 Griffin Square Bldg., Suite 707 Griffin & Young Streets 214-749-3482  William E. Everheart Counsel for Employment Standards  For defendant: William D. Nay 585-9161-588-2700 Hall, Estill, Hardwick, Gable, Collingsworth & Nelson  4100 Bank of Oklahoma Tower 1 Williams Center Tulsa, Ok. 74103					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 11/1/74	Clerk						
J.S. 6 mailed 11-1-77	Marshal						
Basis of Action: Vio. of Sec. 4(a) of Age, Disc. in Empl. Act of '67 (29 USC 621 et seq.)	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-23-74	1. COMPLAINT, filed, SUMMONS issued.jj	
10-30-74	SUMMONS, returned & filed: served Agrico Chem. Co. by serving its agent, The Corporation Company, Ok. Cit6, 10-24-74.(USM \$4.00)g	
11-12-74	2. Appl to extend time until 12-16-74 to answer, filed.k	
11-13-74	3. Order, filed, extending time to ans. until 12-16-74. (AEB-J)k	cps mld
12-16-74	4. Ans. of deflt. Agrico Chemical Company, filed.k	
12-16-74	5. Deft.'s First Interrog. to Pltf., filed.k	
12-16-74	6. Request of deflt. for production, inspection & copying of documents, filed.k	
1-30-75	MO: Ordered by the Court that Parties hold PT Conference by 3-13-75 and submit PT Order by 3-20-75. (AEB-J)v -notices mld.	
2-5-75	7. Pltf's ans. to deflt's first interrog., filed.k	
2-5-75	8. Pltf's response to deflt's request for production, filed.k	
2-5-75	9. Brief in support of pltf's objs. to interrog. & request for production, filed.k	
3-20-75	10. Appl. of pltf. for ext. of time to file pretrial order, filed. g	otry
3-20-75	11. Order extending time to file pretrial order to 6-1-75, filed. (AEB-J)g	
3-21-75	Case set for non-jury trial on 6-9-75, at 10:00 AM (AEB-J)b nts mld.	
4-23-75	12. Pltf's 1st Request for Adm. under Rule 36, filed.jj	
4-23-75	13. Pltf's 1st Set of Int. to Deft., filed.jj	
5-5-75	MO: Ordered by the court that case is stricken from N/J docket of 6-9-75, and re-set for 6-16-75, at 10:00 A.M.(AEB-J)b nts mld	
5-12-75	14. Notice to take oral depositions, filed. Winfield Hill, Gus G. Constantino and R. D. Mahone will be deposed on 5-15-75 in Virginia. v	
5-12-75	15. Notice to take oral deposition, filed. William W. Jones and M. B. Brooks will be deposed on 5-16-75 in Virginia. v	
5-27-75	DEPOSITIONS of M. B. Brooks and William W. Jones taken before Joyce Gray Harrell, Court Reporter, Suffolk, Virginia, filed. lm	
5-28-75	16. Deft.'s Response to Pltf.'s First Request for Admissions Under Rule 36, filed. v	
5-30-75	17. Mot. of pltf. for continuance and for ext. of time to file pretrial order, filed. g	
6-3-75	DEPOSITIONS of Winfield Hill, Edward H. Isbell, Sr., and Gus Constantino taken in behalf of pltf. on 5-15-75 at Richmond, Va. by C. Overton Lee (Steno. Shorthand Reporter), filed. lm	
6-12-75	Appl. for continuance of n/j trial of def., filed.rm	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-417</u>
John T. Dunlop		Agrico Chemical	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
6-12-75	19.	Deft's answers to pltf's first interrogs., filed. lm	
6-12-75	20.	Pre-Trial Affidavit of Pltf's atty re exhibits and witnesses, filed. <sup>1106g</sup> lm	
6-13-75	MO:	Ordered by the Court that upon request of both parties for continuance of non-jury trial set for 6/16/75, this case is stricken from n/j docket of 6/16/75, to be reset on August docket. (AEB-J)rm-parties notified by phone	
6-18-75	21.	Pretrial Order, filed. (AEB-J)g	
6-26-75	MO	Case set for N/J trial on 8-11-75, at 10:00 A.M. (AEB-J)b nts mld	
7-14-75	22	Notice to take deposition of Ivan Mothershead on 7-17-75, Savannah, Ga., filed. g	
7-14-75	23	Notice to take deposition of Norman Cockman on 7-18-75, St. Augustine, Fla., filed. g	
7-14-75	24.	Notice to take depositions of T. A. Bayley on 7-16-75, at Lebanon, Pa., filed. jj	
7-28-75		Deposition of Norman L. Cockman, on behalf of pltf., filed. g	
7-28-75		Deposition of Ivan Mothershead, filed. g	
7-29-75	25	Deft's appl. for continuance of trial setting until 8-16-75 or subsequent thereto, filed. k <sup>oto come</sup>	
8-1-75	26.	Order striking this case from non jury docket of 8-11-75, to be reset at future date, filed. (AEB-J)b cps mld	
11-4-75	MO:	Case set for N/J trial on 1-19-76, at 10:00 A.M. (AEB-J)b nts mld w/affid.	
12-29	27.	Plaintiff's trial brief, filed. b cp to MC	
1-16-76	28.	Affidavit of Compliance of deft. Agrico Chemical Company, filed. ph	
1-16	29.	List of witnesses for the deft., filed. ph	
1-19	MO	Upon agreement of counsel for pltf. and deft., this matter is referred for hearing to a Special Master. IT IS SO ORDERED. It is further ordered that Ainslie Per-rault, Jr., is appointed as Special Master to hear said cause and file findings and recommendations with the Court as provided by the Federal Rules of Civil Procedure. (AEB-J)k <sup>parties to be mld</sup>	
1-22	30	Additional affd. of plaintiff re witnesses and exhibits, filed. g	
2-10	31	Memo of Law on Deft's Second & Fourth Defenses, filed. t	
3-4	32	Pltf's response to deft's memorandum of law on deft's second & 4th defenses, filed. g	
3-31		Depositions of Ronald R. Johnson, Ronald D. Stehower/and J. Dean Speer for deft. taken on 9-16-75 at Tulsa, Okla., filed. lm <sup>for pltf.</sup>	
6-17	MO	Case set for disposition on 7-12-76 at 11:00 a.m. for status report of special master as to progress of case. (AEB-J)k cps by cert ml	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
7-12		Case called for disposition for status report of Spec. Master as to progress of case. Parties represented. Spec. master not present because of illness, but has reported to Ct. that report will be completed soon. Case stricken from docket, to be reset if report not filed soon. (AEB-J)b	
9-15	33.	Report of Special Master, filed. It is the recommendation that the Court find that age in no way played a part in the termination of Mr. Willits.k (AP-Sp Mas) cps mld	
9-15	MO	It is ordered by the Court that, pursuant to Rule 53 e (2), FRCP, parties are directed to file objections, if any, to the Report of the Special Master, w/in 10 days. (AEB-J)k cps mld	
9-23	34	Appl. of Pltff. for ext. of time to file objections, filed. g <i>ctg</i>	
9-27	35	Order, filed, that the time within which parties may file objections to Report of the Special Master be extended to 10-20-76.s (AEB-J) cps. mld.	
9-29	36	Claim of special master, Ainslie Perrault, Jr., for compensation at the rate of \$65.00 per hour for a total of 52 hours, filed.s	
10-15	37	Pltff's application for ext. of time till 10-10-76 to file objections to the report of Special Master, filed.s O to J	
10-18	38	Order, filed, granting parties until 11-10-76 to file objections to Report of Special Master. (AEB-J)g cp mld.	
10-28		Reporter's transcript of proceedings had on 1-22 & 23-76 before Mr. Ainslie Perrault, Special Master (Millie Ballard Reporting Service-GSR), filed.s	
11-10	39	Pltff's application for ext. of time until 12-10-76 to file objections to report of special master, filed.s O to J	
11-11	40.	Order, filed, granting parties til 12-10-76 to file objections to Report of Special Master. (AEB-J)k cps mld	
12-15	41.	Pltff's exceptions to Special Master's report, filed.k	
12-15	MO:	It is ordered by the Court that the deft. file a responsive brief within 20 days to pltf's exceptions to Special Master's report. (AEB-J)k cps mld	
<u>1977</u>			
1-4	42.	Deft's. brief in response to pltf's exceptions to Special Master's Report, filed.s	
3-7	MO	IT IS ORDERED that the pltf. & deft. submit to the Court proposed F/F & C/L to be considered by the Court in reviewing the Objections to Recommendations of Special Master. The Court desires that the proposed Findings and Conclusions encompass the F&C each party desires the Court to make in connection therewith. They shall be submitted to the Court within sixty (60) days from this date. (AEB-J)k cps mld	
5-9	43.	Pltff's motion to correct transcript, filed.k O to J	
5-12	MO	Case referred to Mag. Robert S. Rizley for findings and recommendations. (AEB-J)k cps mld	
		5-6-77 Δ FIF C/L rec'd	
		5-9-77 π F/F & C/L rec'd.	

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-417</u>
Secretary of Labor,		Agrico Chemical Co.	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
1977			
5-12	44.	Order correcting transcript, filed. (AEB-J)k cps mld	
5-20	45.	Brief in support of pltf's proposed FF&CL, filed. lm	
6-14	MO:	Case set for hearing on Pltf's exceptions to Special Master's report before Mag. R. S. Rizley, on 6-30-77, at 2:30 P.M. (RSR-Mag) b nts mld	
6-30	Min	Case called for hrg. on pltf's exceptions to Report of the Special Master. Parties represented. Matter taken under advisement. Mag. to prepare findings & recommendations. (RSR-Mag)k	
9-2-77	46	Pltf. supplemental brief in supp. of Pltf. proposed findings of fact and conclusions of law. fld. ho	
9-20	MO	Mag. recommends that the exceptions to Special Master's Report be overruled and deft. counsel is directed to submit proposed F&R of the Mag. w/in 10 days. (RSR-Mag)k cps by KT	
9-29	47.	Pltf's exception to Mag's recommendation entered by minute order on 9-22-77, filed.k	
10-7	MO	It is ordered by the Court that the deft. is granted 10 days to file a response to pltf's exceptions to Mag's recommendation entered by minute order on 9-22-77. (AEB-J)k cps mld	
10-14	47	Findings & Recommendation of Mag., fld. Mag. recommends this cause should be found and determined in favor of the Deft. (RSR-Mag.) cps mld. ho	
10-25	48	Pltf. exceptions to F/R of Mag. fld. ho	
10-26	49.	Findings of Fact and Order of the Court, filed & entered, that Pltf's Exceptions to the Special Master's Report are overruled, that pltf. shall take nothing by its complaint and the deft. is awarded its costs, and that the costs shall be taxed at a later date upon motion of the deft. (AEB-J)k cps mld	
10-26	50.	Judgment, filed & entered, in favor of the deft. against the pltf. & that the deft. recover its costs. (AEB-J)k cps mld	
12-19	51.	Notice of appeal by pltf. from judg. of 10/26/77, filed. rm (copies to counsel and USCA)	
12-29	52.	Pltf's Motion to ext. time for transmitting Record on Appeal, filed. lm (o to J)	
12-29	53.	Order, filed, extending time to transmit appeal record to 3/20/78. (AEB-J)rm-copies to counsel and USCA	
2-16-78	54.	Motion of pltf. - appellant to withdraw appeal, pursuant to Rule 42(a) filed. rm (O)	
2-17	55	Order, fld. IT is ordered that appellants mot. to w/draw the appeal in the above-captioned case is granted. (AEB-J) c/m ho	
7-11-80	--	DEPOSITIONS & ex. returned to parties. hm	
1981 5-5	--	EXHIBITS returned to deft. counsel. hm	

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## PROCEEDINGS